

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER AMENDING RULE 26 OF §
THE RULES OF THE SUPREME §
COURT OF DELAWARE §

Before **STRINE**, Chief Justice, **HOLLAND**, **VALIHURA**,
VAUGHN, and **SEITZ**, Justices, constituting the Court *en banc*.

ORDER

This 28th day of May 2015, it appears to the Court that it is desirable to amend Rule 26 of the Rules of the Supreme Court of Delaware, to become effective June 1, 2015.

(1) Rule 26(a) shall be amended by adding the following underlined language.

Rule 26. Appeals in Criminal and Juvenile Delinquency Cases.

(a) *Continuing obligation of and representation by counsel.*

(1) Every trial attorney, whether privately retained, court appointed or provided by the Office of the Public Defender, shall in every case in which the client has been convicted or adjudged delinquent; and (2) every attorney appointed by the trial court to represent a criminal defendant or juvenile at State expense in postconviction proceedings, unless the attorney had been permitted to withdraw under the trial court's rules, shall in every case in which postconviction relief is denied:

(i) *Advise client.* Advise the client of any right to appeal, the possible grounds for appeal and counsel's opinion of the probable outcome of an appeal;

(ii) *Docket appeal.* Docket an appeal whenever the client desires to appeal, whether or not the appeal appears meritorious; and

(iii) *Prepare documents.* Prepare and file all documents relating to the appeal, including those relating to the transcript as required by Rule 9.

Such attorney, until this Court orders otherwise, shall continue to represent the client on appeal. **But, if a postconviction attorney's motion to withdraw was granted by the trial court, and postconviction relief was denied, that attorney's continuing obligation is limited to that prescribed by the trial court's rules.**

(2) The Clerk of the Court is directed to transmit forthwith a certified copy of this Order to the clerk of each trial court in each county.

BY THE COURT:

/s/ Leo E. Strine, Jr.

Chief Justice